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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,364

01/23/2007

Nils Kokemohr

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10/16/2008

NIK SOFTWARE, INC.

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EXAMINER

STREGE, JOHN B

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

10/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,364	Applicant(s) KOKEMOHR, NILS	
	Examiner JOHN B. STREGE	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/22/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The preliminary amendment submitted 5/26/06 has been entered in full.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-8,10-11, and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bar et al USPN 5,506,946 (hereinafter “Bar”, cited in the IDS).

Regarding claim 1, Bar discloses a method for image processing of a digital image (703 of figure 7) comprising pixels having characteristics (color, saturation, brightness as seen in figure 7), comprising applying an image processing filter as a function of the characteristics of each pixel to be processed (the color modification unit described is a filter since it uses a color mask, col. 5 lines 39-55), a first set of target image characteristics (the user can select a target color either from the image itself or from a set of reference colors, col. 14 lines 45-59), a first received adjustment parameter associated with the first set of target image characteristics (Bar discloses computing a transformation from the source color to the target color, col. 10 lines 56-58), a second set of target image characteristics, and a second received adjustment parameter associated with the second set of target image characteristics (Bar discloses that the saturation may be adjusted and discloses an adjustment slider to

modify to a range of different target saturations, col. 14 lines 31-36 and numeral 727 seen in figure 7).

Regarding claim 2, the target characteristics of Bar are received by positioning the cursor over the desired target on the user screen seen in figure 7.

Regarding claim 3, the filter is a color change filter (col. 5 lines 39-55).

Regarding claim 4, Bar also discloses that the lightness of the pixels can be adjusted in the same way that the saturation is (as seen in figure 7).

Regarding claim 5, lightness is analogous to the opacity parameter.

Regarding claim 6, figure 7 is a graphic user interface that receives the target sets of image characteristics.

Regarding claim 7, the adjustment parameters of Bar comprises sliders (726, and 730).

Regarding claim 8, the characteristics comprise color (see figure 7).

Regarding claim 10, the graphic user interface comprises indicia representing target image characteristics (window 705 contains reference colors that can be selected as the target color).

Regarding claim 11, Bar discloses tools to determine the pixel characteristics of an image pixel (numeral 710 and 711 of figure 7).

Claims 13-16 have limitations that have already been addressed above, therefore the same arguments used above apply to claims 13-16.

Claims 17-18 discloses the limitations already addressed above with the additional limitations of a processor, a memory, and a computer readable medium in

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communication with the processor. As seen in figure 1 Bar discloses the additional limitations.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar USPN 5,506,946.

Claim 12 is dependent on claim 1 or 2 and further comprises providing camera specific default settings. At the time of the invention it would have been obvious to one of ordinary skill in the art to provide camera specific default instructions since the images that will be modified would come from a camera, thus setting the default would allow for faster processing, thus the Examiner declares official notice.

Claims 19-21 have the same limitations of claim 12 thus, the same arguments are valid for obviousness.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN B. STREGGE whose telephone number is (571)272-7457. The examiner can normally be reached on Monday-Friday between the hours of 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Strege/
Partial Sig. Examiner
10/04/08